

CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD

714 P STREET, SACRAMENTO 95814

NOTICE

Attached is Precedent Benefit Decision No. P-B-327-A. After an unfavorable decision of the court, and pursuant to the provisions of section 409.1 of the Unemployment Insurance Code, the Board has overruled and set aside P-B-327. That decision is no longer of any force or effect.

It is appropriate that this new precedent benefit decision (P-B-327-A) be filed in a manner that will clearly indicate that P-B-327 has been overruled, and an annotation to that effect should be entered on P-B-327 itself.

Lionel L. Riave
Lionel L. Riave
Secretary

BEFORE THE
CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD

In the matter of:

GERALD P. KEAN, JR.
(Claimant)

PRECEDENT
BENEFIT DECISION
No. P-B-327-A
Case No. 76-706-A

S.S.A. No.

CARLTON FORGE WORKS
(Employer)

Employer Account NO.

Office of Appeals No. LA-21359

On May 18, 1976 pursuant to the provisions of section 409 of the Unemployment Insurance Code we promulgated and issued Precedent Benefit Decision No. P-B-327 (Case No. 76-706) in which we affirmed the decision of the administrative law judge in Case No. LA-21359 and held that the claimant is not disqualified for unemployment insurance benefits under section 1256 of the Unemployment Insurance Code and that the employer's reserve account is not relieved of benefit charges under section 1032 of the code.

Thereafter the employer filed a mandamus proceeding in the Superior Court of the State of California in and for the County of Los Angeles, Case No. SO C 43813, requesting the court to require that we vacate and set aside our decision holding the claimant not disqualified

010-06015

DATE MAILED: November 16, 1976

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under section 1256 of the code and the employer's reserve account not relieved of charges under section 1032 of the code and to thereafter issue a new decision determining that the claimant voluntarily left his work without good cause within the meaning of section 1256 and that the employer's reserve account is relieved of benefit charges under section 1032.

After a hearing before the court on September 21, 1976, the Honorable Roy Brown, Judge of the Superior Court, granted the petition for writ of mandate and ordered this Board to set aside its decision in P-B-327 (Case No. 76-706) and to take such further action as is specially enjoined by law.

Accordingly, in accordance with the decision of the court, and in conformance with the provisions of section 409.1 of the Unemployment Insurance Code we declare invalid for all purposes our decision in P-B-327 (Case No. 76-706). Additionally, we now hold, as ordered, that the decision of the Administrative Law Judge in LA-21359 is reversed. The claimant voluntarily left his work without good cause within the meaning of section 1256 of the code. The employer's reserve account is not subject to benefit charges under section 1032 of the code.

DON BLEWETT

MARILYN H. GRACE

CARL A. BRITSCHGI

HARRY K. GRAFE

RICHARD H. MARRIOTT

P-B-327-A